

STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0122301; AI 18692; PER20060001** to discharge to waters of the State of Louisiana as per LAC 33:IX.2311.

The permitting authority for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

I. THE APPLICANT IS: Bluffs Management Company, LLC
The Bluffs Country Club & Resort
P. O. Box 1220
St. Francisville, LA 70775

II. PREPARED BY: Todd Franklin

DATE PREPARED: September 25, 2006

III. PERMIT ACTION: issue LPDES permit LA0122301, AI 18692; PER20060001

LPDES application received: June 22, 2006

The facility is currently covered under LPDES General Permit LAG560038, which allows the discharge of treated sanitary wastewater for up to 50,000 GPD. The expected flow from the facility is increasing to 156,400 GPD. Therefore, an individual permit is necessary. General Permit LAG560038 will be terminated upon the effective date of individual permit LA0122301.

EPA has not retained enforcement authority.

LPDES permit issued: December 23, 2003
LPDES permit expired: July 31, 2008

IV. FACILITY INFORMATION:

- A. The application is for the discharge of treated sanitary wastewater from a privately owned treatment facility serving The Bluffs Country Club & Resort.
- B. The permit application does not indicate the receipt of industrial wastewater.
- C. The facility is located at 14016 Sunrise Way in St. Francisville, West Feliciana Parish.
- D. The treatment facility consists of a 0.98 acre aeration pond, a 0.26 acre secondary pond, and a 0.29 acre tertiary pond. Improvements to the facility are to convert the main pond to a partial mix pond with additional aerators and a hydraulic baffle system. The two secondary ponds will be fitted with floating modular covers. A polishing reactor and tablet feed chlorinator with V-notch weir will be placed at the effluent for post-treatment and chlorination.

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E. Outfall 001

Discharge Location: Latitude 30° 48' 10" North
Longitude 91° 15' 20" West

Description: treated sanitary wastewater

Average Expected Flow: 0.17 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

Type of Flow Measurement which the facility is currently using:

V-Notch Weir with flow measurement device

V.

RECEIVING WATERS:

The discharge is into an unnamed tributary; thence into Hammer Creek; thence into Thompson Creek in Subsegment 070502 of the Mississippi River Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 070502 of the Mississippi River Basin are as indicated in the table below^{1/}:

Overall Degree of Support for Segment	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Partial	Not Supported	Full	Full	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Subsegment 070502 of the Mississippi River Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

VI.

ENDANGERED SPECIES:

The receiving waterbody, Subsegment 070502 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWLS) as habitat for the Pallid Sturgeon, which is listed federally as an endangered species. However, this type of discharge is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

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VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit modification and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Mr. Todd Franklin
Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Subsegment 070502, Thompson Creek-Mississippi State Line to Mississippi River Confluence, is listed on LDEQ's Final 2004 303(d) List as impaired for pathogen indicators. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Mississippi River Basin, those suspected causes for impairment which are not directly attributed to the sanitary wastewater point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

Pathogen Indicators

To protect against the development of pathogenic organisms in the receiving waterbodies, fecal coliform limits have been established in the permit.

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Final Effluent Limits:**OUTFALL 001**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD ₅	14	10 mg/l	15 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.
TSS	21	15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

Other Effluent Limitations:**1) Fecal Coliform**

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5.b.i, the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

2) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.).

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3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X.

PREVIOUS PERMITS:

LPDES Permit No. LAG560038: Issued: December 23, 2003

Expired: July 31, 2008

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	N/A	Report	1/month	Measure
BOD ₅	20 mg/l	30 mg/l	1/month	Grab
TSS	20 mg/l	30 mg/l	1/month	Grab
Fecal Coliform				
Colonies/100 ml	200	400	1/month	Grab
pH	Range (6.0 su – 9.0 su)		1/month	Grab

XI.

ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates the following most recent inspection was performed for this facility.

Date – March 25, 2004

Inspector – Mark Nave, LDEQ

Findings and/or Violations –

1. The facility is permitted to discharge treated sanitary wastewater from a three-cell oxidation pond with chlorination for disinfection.
2. Inspection of the treatment system was conducted and was satisfactory. BOD₅ and TSS samples were taken from the discharge pipe. The discharge was clear and there were no odors or solids observed in the receiving area.
3. DMRs and analytical data were reviewed from June 2001 through February 2004. The facility experienced 5 excursions and 7 monthly average exceedances during this period.
4. The facility analyzes pH on site with a portable meter. The facility has not been keeping calibration records on this meter.
5. The facility has not been filling out the analysis frequency and sample type on their DMRs. No flow readings have been recorded on their DMRs and the "No. Ex." Column has not been filled out.
6. All other areas of the inspection were satisfactory.

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B) Compliance and/or Administrative Orders

A review of the files indicates the following most recent enforcement action administered against this facility:

LDEQ Issuance:

Compliance Order

Enforcement Tracking No. WE-C-04-1217

Date Issued – June 20, 2005

Findings of Fact:

1. The Respondent owns and/or operates an existing sanitary sewage treatment facility which serves The Bluffs on Thompson Creek located off of La. Hwy. 965 at Freeland Road, in Jackson, West Feliciana Parish, Louisiana. The Respondent was granted coverage under LPDES General Permit LAG560000 on December 24, 1997, and specifically was assigned permit number LAG560038. The permit expired on August 27, 2002, and was administratively continued. The Respondent was reissued LPDES General Permit LAG560038 on December 23, 2003. The permit will expire on July 31, 2008. Under the terms and conditions of the LPDES permit, the Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 to an unnamed ditch, thence into an unnamed tributary, thence into Hammer Creek, thence into Thompson Creek, all waters of the state.
2. The Respondent was issued Compliance Order WE-CN-98-0257 on January 8, 1999, for the following violations noted during April 15, 1998, and June 10, 1998, inspections: failure to submit DMRs, failure to submit noncompliance reports, exceeding pH holding times, operations and maintenance deficiencies, and discharge of inadequately treated wastewater. The Order required the Respondent to immediately cease all unauthorized discharges from the Respondent's facility to waters of the state and to take all steps necessary to meet and maintain compliance with LPDES permit LAG560038; to submit a written report that includes a detailed description of the circumstances of the cited violations and actions taken to achieve compliance, and to submit a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges in the event the Respondent believes that complete correction of the cited violations is not physically possible within thirty days. The Respondent submitted a written response on January 27, 1999. Compliance Order WE-CN-98-0257 is a final action of the Department and not subject to further review.
3. An inspection on March 25, 2004, and a file review on May 31, 2005, revealed the Respondent submitted incomplete DMRs. Specifically, the Respondent did not report the number of excursions, frequency of analysis, and sample type on the DMRs from January 2000 through January 2004. The Respondent also failed to report monthly averages for BOD₅, TSS, Fecal Coliform, and Oil & Grease, on its DMRs for all the monitoring periods from January 2000 through March 2005.
4. A file review on May 31, 2005, revealed that the Respondent failed to sign the DMR for the monitoring period of March 2004.
5. An inspection on March 25, 2004, and a subsequent file review on May 31, 2005, revealed the Respondent exceeded effluent limitations.

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From March 2000 through July 2004, there were 27 TSS excursions, 5 BOD₅ excursions, and 8 Fecal Coliform excursions reported on the DMRs.

6. A file review on May 31, 2005, revealed that the Respondent failed to submit non-compliance reports for the effluent exceedances and excursions mentioned in Paragraph 5 above, except for the monitoring period of November 2000.
7. A file review on May 31, 2005, revealed the Respondent's flow exceeded 50,000 GPD as authorized by the LPDES permit LAG560038. Specifically, the Respondent reported a flow value of 53,169 GPD for the month of February 2004 and a value of 60,209 GPD for the month of April 2004.
8. An inspection on March 25, 2004, revealed that the Respondent failed to maintain monitoring/laboratory records. Specifically, the Respondent measured the Ph of the effluent on site. However, there were no pH meter calibration records available at the time of inspection.

Order:

1. To immediately take any and all steps necessary to achieve and maintain compliance with the permit limitations and conditions contained in LPDES permit LAG560038.
2. In the event the Respondent believes that complete correction is not physically possible within 30 days, the Respondent shall submit a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.
3. To submit to the Enforcement Division all records of flow, documentation on how flow is measured, recorded and calculated and a written explanation of the flow values that exceeded the maximum expected flow of 50,000 GPD in Paragraph 7 of the Findings of Fact. If at anytime the maximum expected flow from your facility reaches or exceeds 50,000 GPD, you are required to apply for a permit modification immediately.
4. To submit to the Enforcement Division a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Compliance Order.

C) DMR Review

A review of the discharge monitoring reports for the period beginning April 2004 through March 2006 has revealed the following violations (please note that DMRs for the months of April through September 2005 were missing from the file):

Parameter	Outfall	Period of Excursion	Permit Limit	Reported Quantity
TSS, Monthly Avg.	001	July 2004	20 mg/l	32.8 mg/l
TSS, Weekly Avg.	001	July 2004	30 mg/l	32.8 mg/l

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XII. ADDITIONAL INFORMATION:

Please be aware that the Department will be conducting a TMDL in the Mississippi River Basin scheduled for completion in 2010. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of the TMDL. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

Final effluent loadings (i.e. lbs/day) have been established based upon the permit limit concentrations and the design capacity of 0.17 MGD.

Effluent loadings are calculated using the following example:

$$\text{BOD}_5: 8.34 \text{ lb/gal} \times 0.17 \text{ MGD} \times 10 \text{ mg/l} = 14 \text{ lb/day}$$

At present, the Monitoring Requirements, Sample Types, and Frequency of Sampling as shown in the permit are standard for facilities of flows between 0.10 and 0.50 MGD.

<u>Effluent Characteristics</u>	<u>Monitoring Requirements</u>	
	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Recorder
BOD ₅	2/month	Grab
Total Suspended Solids	2/month	Grab
Fecal Coliform Bacteria	2/month	Grab
pH	2/month	Grab

XIII TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in this Statement of Basis.

XIV REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

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Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Bluffs Management Company, LLC, The Bluffs Country Club & Resort, June 22, 2006.